

A Regular Meeting of the Zoning Board of Appeals of the Town of Lancaster, Erie County, New York, was held at the Lancaster Town Hall, 21 Central Avenue, Lancaster, New York, on the 12th day of March at 8:00 P.M., and there were

PRESENT: MARK AQUINO, MEMBER
 JAMES PERRY, MEMBER
 LAWRENCE PIGNATARO, MEMBER
 RICHARD QUINN, MEMBER
 ARLIE SCHWAN, MEMBER
 ROBERT THILL, MEMBER

ABSENT: JEFFREY LEHRBACH, CHAIRMAN

ALSO PRESENT: JOHANNA M. COLEMAN, TOWN CLERK
 JEFFREY SIMME BUILDING INSPECTOR
 NICHOLAS LOCICERO, TOWN PROSECUTOR

The Affidavits of Publication and Posting of this Public Hearing are on file and a copy of the Legal Notice has been posted.

In the absence of Chairman Lehrbach, the Town Clerk asked for a motion to appoint a temporary Chairman. A motion to appoint Mr. Quinn temporary Chairman was made by Mr. Pignataro and seconded by Mr. Thill.

The motion was duly put to a vote as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED YES
MR. LEHRBACH	WAS ABSENT

Motion Carried

PETITION OF BALPER ENTERPRISES/RYAN HOMES

THE CASE CONSIDERED BY THE ZONING Board of Appeals was that of the petition of Balper Enterprises/Ryan Homes, 367 Linwood Avenue, Buffalo, New York 14209 for one [1] variance for the purpose of constructing a single family residence on property owned by the petitioner at 33 St. Anthony Street, Lancaster, New York, to wit:

A variance from the requirements of Chapter 50, Zoning, Section 17A.(2) and (3) of the Code of the Town of Lancaster. The premises upon which this variance is sought is a corner lot fronting on St. Anthony Street with an exterior side yard [considered a front yard equivalent] also fronting on St. Anthony Street. The location of the proposed addition will result in a thirty four [34] foot west exterior side yard set back on St. Anthony Street.

Chapter 50, Zoning, Section 17A.(2) and (3) of the Code of the Town of Lancaster requires a thirty five [35] foot west exterior side yard set back on St. Anthony Street. The petitioner, therefore, requests a one [1] foot west exterior side yard set back variance.

The Clerk presented and entered into evidence the following items:

Duly executed petition of the applicant with exhibits and schedules attached thereto.

Copy of a letter notifying the petitioner of the time and place of this public hearing.

Copy of a letter notifying owners of property within 100 feet of requested variance of the time and place of this public hearing.

PERSONS ADDRESSING THE BOARD

Shawn Benzer,
representing the petitioner, Ryan Homes

IN THE MATTER OF THE PETITION OF BALPER ENTERPRISES/RYAN HOMES

THE FOLLOWING RESOLUTION WAS OFFERED
BY MR. QUINN, WHO MOVED ITS
ADOPTION, SECONDED BY MR. PERRY
TO WIT:

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has reviewed the application of Balper Enterprises/Ryan Homes and has heard and taken testimony and evidence at a public hearing held before it at 21 Central Avenue, Lancaster, New York, on the 12th day of March 2009, and having heard all parties interested in said application pursuant to legal notice duly published and posted, and

WHEREAS, the applicant is the present owner of the premises in question.

WHEREAS, the property for which the applicant is petitioning is within a Residential District 1, (R-1) as shown on the Zoning Map of the Town of Lancaster.

WHEREAS, the Zoning Board of Appeals of the Town of Lancaster has made the following findings:

That no undesirable change will be produced in the character of the neighborhood by the granting of the area variance relief sought.

That no detriment to nearby properties will be created by the granting of the area variance relief sought.

That the benefit sought by the applicant could be achieved by reducing the size of the house, however this should not preclude the granting of the variance relief sought.

That the requested area variance relief is not substantial.

That the proposed area variance relief will not have an adverse effect or impact on the physical or environmental conditions in the neighborhood or district.

That the alleged difficulty is self created but not to the extent necessary to preclude the granting of the area variance relief sought.

That this board has taken into consideration the benefit to the applicant if the variance relief sought is granted as weighed against the detriment to the health, safety and welfare of the neighborhood or community by such grant.

That within the intent and purposes of this ordinance the variance relief sought, if granted, is the minimum variance necessary to afford relief.

NOW, THEREFORE, BE IT

RESOLVED that based upon these findings, the relief sought be and is hereby **GRANTED.**

The question of the adoption of the foregoing resolution was duly put to a vote on roll call which resulted as follows:

MR. AQUINO	VOTED YES
MR. PERRY	VOTED YES
MR. PIGNATARO	VOTED YES
MR. QUINN	VOTED YES
MR. SCHWAN	VOTED YES
MR. THILL	VOTED NO
MR. LEHRBACH	WAS ABSENT

The resolution granting the variance was thereupon adopted.

March 12, 2009

ON MOTION DULY MADE, SECONDED AND CARRIED, the meeting was adjourned at 8:17 P.M.

Signed _____

Johanna M. Coleman, Town Clerk and
Clerk, Zoning Board of Appeals

Dated: March 12, 2009

